

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

ROBERT FLYNN, and  
KIMBERLY FLYNN, *his wife*,

Plaintiffs

v.

NATIONWIDE INSURANCE  
COMPANY of AMERICA,

Defendant

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CIVIL ACTION NO. 3:13-2993

(JUDGE MANNION)

**ORDER**

In light of the memorandum issued this same day, **IT IS HEREBY ORDERED THAT** defendant's motion to dismiss plaintiffs' bad faith claim, (Doc. [10](#)), is **GRANTED** and plaintiff's bad faith claim is **DISMISSED without prejudice**. All mentions of an alleged fiduciary duty on the part of defendant are **STRICKEN** from the complaint. Plaintiffs may amend their complaint to allege a bad faith claim by **July, 21 2014**.

s/ *Malachy E. Mannion*  
**MALACHY E. MANNION**  
United States District Judge

**Date: July 7, 2014**